

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

KEVIN A. MACGREGOR,

Plaintiff,

v.

DR. MARTIN, et al.,

Defendants.

No. C 13-2309 RMW (PR)

ORDER TO SHOW CAUSE

Plaintiff, a state prisoner proceeding pro se, filed a civil rights complaint against prison officials at San Quentin State Prison (“SQSP”), pursuant to 42 U.S.C. § 1983. The court ordered service of plaintiff’s civil rights complaint upon defendants. (Docket No. 7.) The court received a letter from SQSP Litigation Coordinator indicating that Dr. Timothy Martin was a former employee of SQSP. A confidential current address was provided. (Docket No. 26.) On September 24, 2014, the court ordered that a Notice of Lawsuit and Request for Waiver of Service of Summons, two copies of the Waiver of Service of Summons, a copy of plaintiff’s complaint and all attachments thereto, and a copy of the court’s order be mailed to Dr. Timothy Martin at the confidential address provided by the SQSP Litigation Coordinator. (Docket No. 29.) The court’s order directed defendant Martin to file a motion for summary judgment by within sixty days. (*Id.* at 2.) On October 6, 2014, defendant Timothy B. Martin, D.O. returned a

1 signed waiver of service of summons. (Docket No. 32.) Rather than file a motion for summary
2 judgment, answer, or motion for an extension of time, defendant Martin has not further
3 communicated with the court.

4 Accordingly, defendant Martin **ORDERED TO SHOW CAUSE** why an entry of default
5 should not be made against him. Defendant Martin must file a written response to this Order to
6 Show Cause within **thirty (30) days** of the filing date of this order. Failure to file a timely
7 written response may be deemed an admission that no good cause exists for defendant's failure
8 to follow the court's September 24, 2014 order, and an entry of default may issue without further
9 proceedings.

10 IT IS SO ORDERED.

11 DATED: ~~GF~~~~GF~~~~I~~ _____


RONALD M. WHYTE
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

KEVIN ANTHONY MACGREGOR,
Plaintiff,

Case Number: CV13-02309 RMW

CERTIFICATE OF SERVICE

v.

DR. MARTIN, et al,

Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on February 12, 2015, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Kevin A. MacGregor V-94008
Bldg #A-5,240
High Desert State Prison
PO Box 3030
Susanville, CA 96127

Dated: February 12, 2015

Richard W. Wieking, Clerk
By: Jackie Lynn Garcia, Deputy Clerk